

ORDINANCE NO. 94-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 88-8 PERTAINING TO THE REGULATION OF BURGLAR ALARMS; PROVIDING FOR REVISION OF PERMIT EXPIRATION DATES AND RENEWALS; PROVIDING FOR ESTABLISHMENT OF CERTAIN DUTIES AND RESPONSIBILITIES OF ALARM BUSINESSES; PROVIDING FOR ALARM BUSINESSES TO OBTAIN A BURGLAR ALARM PERMIT; PROVIDING FOR ALARM ACTIVATION NOTIFICATION REQUIREMENTS; PROVIDING FOR SHERIFF'S OFFICE'S RESPONSE TO ROBBERY/PANIC ALARMS; PROVIDING FOR DUTIES AND RESPONSIBILITIES OF ALARM MONITORING COMPANIES; PROVIDING FOR ENFORCEMENT UNDER THE CODE ENFORCEMENT CITATION SYSTEM FOR CERTAIN VIOLATIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 88-8 was enacted in response to the ever-increasing number of false alarms resulting in the utilization of valuable law enforcement resources which could be put to better use in true criminal activity; and

WHEREAS, the Sheriff's Office has identified changes that would improve the effectiveness of enforcement and the efficiency of administration of the existing burglar alarm ordinance; and

WHEREAS, the changes serve a valid public purpose, furthering the interests of the public's health, safety, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Section 3.A. of Ordinance No. 88-8 is hereby amended to read:

A. It shall be ~~unlawful~~ a violation of this ordinance for any person to operate an alarm system without a valid alarm user permit. ~~Violation of this section shall be a violation of a County Ordinance punishable as provided for in Chapter 125, Florida Statutes.~~

Section 2. Section 3.C. of Ordinance No. 88-8 is hereby amended to read:

C. ~~All alarm user permits will expire on the thirtieth day of September of each year and must be renewed not later than the first day of October of each year. Renewal permits will be issued after completion~~ All alarm user permits will expire on the last day of the month of the original month the permit was issued. Permits will be issued after completion of an application form and the payment of a twenty-five (\$25.00) dollar renewal fee; except that permits for a premises that has had no false alarm during the

preceding permit period will be renewed ~~upon completion of an application but~~ without any renewal fee.

Section 3. Section 3 of Ordinance No. 88-8 is hereby amended to include a new paragraph E. as follows. The existing paragraph E. is hereby relettered to read paragraph F.

E. All person(s), firms, and organizations that install, repair, or activate a burglar alarm system in the unincorporated area of Palm Beach County must be licensed according to state and local requirements. These person(s), firms, and organizations, when performing installation, repair, or activation of a burglar alarm system, must inform the alarm system owner or person requesting such work of the existence of County Ordinance No. 88-8, and any amendments thereto, and provide the owner or person with information and literature concerning same. Literature will be provided free of cost by the Palm Beach County Sheriff's Office. The person(s), firms, and organizations providing this service as described above must also physically instruct the user of the alarm system in its use and function at the time of installation, repair or activation.

Section 4. Sections 4.A. and B. of Ordinance No. 88-8 are hereby amended to read:

A. Applications. Any alarm user, and any alarm business who installs and/or activates a burglar alarm system, shall be required to obtain a burglar alarm permit. Applications for alarm permits shall be made on forms provided by the Sheriff's Office. Each application shall be accompanied by a fee of twenty-five (\$25.00) dollars. The application submitted by an alarm user shall state the name, address and telephone number of the applicant's property to be serviced by the alarm, and the name, address and telephone number of the applicant's residence, if different. If the applicant's alarm is serviced by an alarm company, then the applicant shall also include the name, address and telephone number of that company. An application and fee submitted by an alarm business must be received by the Sheriff's Office within twenty-four (24) hours or the next (Sheriff's Office) working day notifying the Sheriff's Office of the date of installation and/or activation.

B. Emergency notification. Each application shall list an emergency telephone number of the user or his representative to permit prompt notification of alarm calls and facilities assisting the Sheriff's Office in the inspection of the property. All users of a burglar alarm system must have a representative available to respond to a burglar alarm activation to open the premises or deactivate the system. The representative must respond within forty-five (45) minutes of the request by the Sheriff's Office or alarm company to deactivate the system. Changes in emergency telephone numbers shall be kept current and failure to provide updated information to the Sheriff's Office shall may result in a fee of ~~ten (\$10.00) dollars.~~ twenty-five (\$25.00) dollars and may constitute grounds for revocation of the permit. All person(s), firms, and/or organizations who are responsible for notifying the Sheriff's Office of a burglar alarm activation must have the burglar alarm permit number of said location available (if one has been issued) for the Sheriff's Office when notifying the Sheriff's Office of a burglar alarm activation. All person(s), firms, and burglar alarm monitoring companies must notify the Sheriff's Office of cancellation of monitoring service or change of information concerning the burglar alarm permit holders. Burglar alarm companies and/or burglar alarm monitoring companies will not be held responsible for violation of this section if they have not been notified of said cancellation and/or information change by the

1 burglar alarm user.

2 Section 5. Sections 6.B. and C. of Ordinance No. 88-8 is
3 hereby amended to read:

4 B. All alarm systems will have an automatic reset which
5 silences the annunciator within ~~thirty (30)~~ fifteen (15) minutes
6 after activation and which will not sound again as a result of the
7 same event that resulted in the original activation.

8 C. Proper permitting and approvals from the appropriate
9 Building Department must be secured.

10 Section 6. Section 7.A. of Ordinance No. 88-8 is hereby
11 amended to read:

12 A. Whenever an alarm is activated in the County ~~thereby~~
13 ~~requiring an emergency response to the location by the Sheriff's~~
14 ~~Office,~~ and the Sheriff's Office ~~does responds,~~ a Deputy Sheriff on
15 the scene of the activated alarm system shall inspect the area
16 protected by the system and shall determine whether the activated
17 alarm was an emergency response was in fact required as indicated
18 by the alarm system or whether the activated alarm was a false
19 alarm.

20 Section 7. Section 7. of Ordinance No. 88-8 is hereby
21 amended to include a new paragraph C. as follows. The existing
22 paragraph C. is hereby relettered to read paragraph D.

23 C. The Palm Beach County Sheriff's Office will respond to all
24 robbery/panic alarms, when possible, regardless of the alarm permit
25 holder's status, however, the Sheriff's Office's response to these
26 type of activations are limited to burglar alarm systems which
27 require an intentional act by a person on the premises to activate
28 these types of alarms. Activations of these types of alarms which
29 are determined to be false by the Sheriff's Office will result in
30 an assessment of \$50.00 for each false activation. If said alarm
31 system is determined to be faulty, a nuisance, or in non-compliance
32 with Ordinance 88-8, and any amendments thereto, the Sheriff's
33 Office has the option to not respond to the alarm activation.

34 Section 8. Section 8 of Ordinance No. 88-8 is hereby amended
35 to include a new paragraph G. as follows:

36 G. Should the administrative process set forth hereinabove be
37 exhausted and compliance has not been obtained, the Code
38 Enforcement Citation process may be initiated pursuant to Ordinance
39 No. 90-45, as amended.

40 Section 9. Section 9.C. of Ordinance No. 88-8 is hereby
41 amended to read:

42 C. For the purpose of this section, a permit year will extend
43 from October 1 to September 30 of the following calendar year.
44 from the first day of the original month of application to the last
45 day of the same month the following calendar year. False alarms
46 occurring during each permit year shall be handled in the same

manner as set forth in subsections A. and B. of this section.

Section 10. A new Section 10 is hereby included in Ordinance No. 88-8 to read as follows:

SECTION 10. ALARM MONITORING COMPANIES:

A. All alarm monitoring companies, when notified of an activation of any burglar alarm system in the unincorporated area of Palm Beach County, must call the premises from which the alarm activation originated, and attempt to ascertain if said alarm is a valid alarm activation. This information must be relayed to the Communications Division of the Sheriff's Office at the time the Sheriff's Office is notified of the activation. This section does not apply to robbery and/or panic alarm activations.

B. All alarm monitoring companies who monitor burglar alarm systems in the unincorporated area of Palm Beach County must maintain current information regarding the premises monitored and the representative(s) who can respond to an alarm activation when requested to do so by the alarm monitoring company or the Sheriff's Office.

Section 11. Section 10 of Ordinance No. 88-8 is hereby renumbered to read Section 11 and paragraphs A., B. and C. of same are hereby amended to read:

Section 11. Automatic Telephone Dialing Alarm Systems Prohibited:

A. It shall be unlawful a violation of this ordinance for any person, natural or corporate, to sell, offer for sale, install, maintain, lease, operate, or assist in the operation of an automatic telephone dialing system over any telephone lines exclusively used by the public to directly request emergency service from the Sheriff's Office.

B. The Sheriff or his designee, when he has knowledge of the unlawful maintenance of an automatic telephone dialing alarm system, installed or operated in violation of subsection A. of this section, shall, in writing, issue a written notice to order the owner, operator or lessee to disconnect and cease operation of the system within seventy-two (72) hours from receipt of the order notice.

C. Any automatic telephone dialing system installed unlawfully, in violation of this ordinance as set forth in subsection A. hereof prior to the effective date of this ordinance, shall be removed within thirty (30) days of the date of the order notice as contained in subsection B. hereof.

Section 12. Section 11 of Ordinance No. 88-8 is hereby amended to read:

This ordinance shall apply in any area within Palm Beach County where the Palm Beach County Sheriff's Office is expected to respond to burglar, robbery, and panic alarm activations as the primary law enforcement agency. to the unincorporated areas of Palm Beach County.

Section 13. VIOLATION OF ORDINANCE; ENFORCEMENT:

A violation of this Ordinance, as may be amended from time to time, or a violation of Ordinance No. 88-8, as amended, and as may

1 be amended from time to time, shall be enforced under the Code
2 Enforcement Citation System as set forth in Ordinance No. 90-45, as
3 amended, pursuant to the authority vested in Part II of Chapter
4 162, of the Florida Statutes. However, a violation of Section 9 of
5 Ordinance No. 88-8, as amended, will be enforced through the
6 administrative appeal process established in Sections 8 and 9 of
7 Ordinance No. 88-8. Should all administrative remedies be
8 exhausted for violations of Section 9 and compliance has not been
9 obtained, a citation may be issued pursuant to Ordinance No. 90-45,
10 as amended.

11 **Section 14. REPEAL OF LAWS IN CONFLICT:**

12 All local laws and ordinances in conflict with any provisions
13 of this Ordinance are hereby repealed to the extent of such
14 conflict.

15 **Section 15. SEVERABILITY:**

16 If any section, paragraph, sentence, clause, phrase, or word
17 of this Ordinance is for any reason held by the Court to be
18 unconstitutional, inoperative, or void, such holding shall not
19 affect the remainder of this Ordinance.

20 **Section 16. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

21 The provisions of this Ordinance shall become and be made a
22 part of the Code of Laws and Ordinances of Palm Beach County,
23 Florida. The sections of this Ordinance may be renumbered or
24 relettered to accomplish such, and the word "ordinance" may be
25 changed to "section", "article", or other appropriate word.

26 **SECTION 17. EFFECTIVE DATE:**

27 The provisions of this Ordinance shall become effective upon
28 receipt of acknowledgement from the Secretary of State.

29 APPROVED and ADOPTED by the Board of County Commissioners of
30 Palm Beach County, Florida, on this the 20 day of
31 December, 1994.

32 PALM BEACH COUNTY, FLORIDA, BY ITS
33 BOARD OF COUNTY COMMISSIONERS

34 By: [Signature]
35 Chair

36 APPROVED AS TO FORM AND
37 LEGAL SUFFICIENCY

38 By: [Signature]
39 County Attorney

40 Acknowledgement by the Department of State of the State of
41 Florida, on this 30th day of December, 1994.

1 EFFECTIVE DATE: Acknowledgement from the Department of State
2 received on the 3rd day of January, 1995, at 9:39 A.m., and
3 filed in the Office of the Clerk of the Board of County
4 Commissioners of Palm Beach County, Florida.

6 STATE OF FLORIDA, COUNTY OF PALM BEACH
 I, DOROTHY H. WILKEN, ex-officio Clerk of the
 Board of County Commissioners certify this to be a
 true and correct copy of the original filed in my office
 on 12/20/94
 DATED at West Palm Beach, FL on 1/5/95
 DOROTHY H. WILKEN, Clerk
 By: Phyllis A. House D.C.